

रजिस्टर्ड नं० पी० एस० एम० १४



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, ५ फरवरी, १९७४/१६ माघ, १८९५

GOVERNMENT OF HIMACHAL PRADESH

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-2, the 28th January, 1974

No. 17-1/73-E&T (Sectt.).—In exercise of the powers conferred by section 13 of the East Punjab Molasses (Control) Act, 1948 as applicable to the areas comprised in Himachal Pradesh immediately before 1st

November, 1966, the Governor, Himachal Pradesh is pleased to make the following rules namely:—

Short title
and com-
mence-
ment.

1. (1) These rules may be called the East Punjab Molasses (Control) (Himachal Pradesh) Rules, 1973.

(2) They shall come into force at once.

Definitions.

2. In these rules, unless the context otherwise requires—

(a) 'Act' means the East Punjab Molasses (Control) Act, 1948;

(b) 'Distillery' means the premises, where under a licence issued under the Punjab Excise Act, 1914, power potable or industrial alcohol is manufactured;

(c) 'Distillery Officer' means an Excise Officer, not below the rank of an Excise Sub-Inspector, appointed under section 10 (a) of the Punjab Excise Act, 1914, and deputed by the Controller to perform any function under the Act and these rules at a distillery;

(d) 'Form' means a form appended to these rules.

Supply of
molasses,
(sections 3
and 4).

3. (1) Every distillery shall submit to the Controller by the 31st October each year an indent in Form M.C.1, of its estimated requirements of molasses during the twelve months commencing from the first January following.

(2) Every Sugar factory shall submit to the Controller by the 31st October each year in Form M.C. 2, its estimated production of molasses during the following cane-crushing season.

(3) On receipt of the estimates referred to in sub-rules (1) and (2), the Controller shall check the requirements of molasses indented for and after making such variations therein as he considers necessary, prepare a consolidated statement, showing the requirements of each distillery, indicating the sugar factories from which these requirements are to be met and make a provisional allotment of molasses to each distillery.

(4) The orders allotting molasses to the distilleries shall be communicated to the sugar factories, the distilleries, officer incharge of the distilleries and to such other persons, if any, as may be concerned.

(5) The Controller may, if necessary, any time, make modification in the orders allocating molasses.

(6) After the close of the cane-crushing season, every sugar factory shall furnish to the Controller a report in Form M.C. 3 showing the total production of molasses so as to reach him not later than a week after the close of every crushing season. The Controller may call for revised requirements of molasses of the distilleries in Form M.C. 4 and on receipt thereof, the provisional allotment may be made final with such modifications as the Controller may consider necessary.

(7) The final allotment of molasses shall be communicated to all concerned in the same manner as the provisional allotment.

(8) Every sugar factory shall on receipt of an order from the Controller and on intimation of the allotment of tank wagons for the transport of molasses, make all necessary arrangements promptly for the haulage and loading of molasses within the specified period and at the appropriate time.

(9) Haulage and loading of a tank wagon by occupier or Manager of a sugar factory shall not be refused on any ground without prior approval of the Controller.

(10) The ownership of all molasses allotted to a distillery shall continue to vest in the occupier or Manager of sugar factory, until it is actually delivered at the distillery and all losses occurring from any cause other than wilful omission on the part of the allottee, if so determined by the Controller, shall be borne by the sugar factory.

4. Every sugar factory shall maintain such minimum stock of molasses for use by the distilleries as may be fixed by the Controller from time to time.

Maintenance of stock of molasses by the sugar factories sections 4 and 13.

5. Every distillery shall obtain supply of molasses under the authority of the Controller from the sugar factories located in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 unless otherwise permitted by the Controller.

Source of supply molasses to distilleries, sections 4 and 13.

6. (1) The price at which molasses of various grades shall be sold by the sugar factory to the distilleries may be notified by Government under section 5 of the Act. This price shall cover all cost incidental to the loading of molasses into railway wagons or into containers, if the transport is by road.

Regulations of price of molasses. Sections 5 and 13.

(2) Supplies to distilleries in accordance with the orders issued by the Controller shall not be contingent on prepayment of price. Where payment for molasses is not made within a week of the receipt of molasses at the distillery, the fact shall be reported by the occupier of the sugar factory to the Controller for his orders, which shall be binding on the occupier of the sugar factory and the distillery concerned.

(3) All disputes regarding the payment of price of molasses shall be referred to the Controller whose decision in the matter shall be final and binding on all.

7. (1) The Government may specify from time to time the grades under which molasses shall be classified. Molasses issued for sale from the sugar factory shall conform to such grades.

Classification of grades of molasses. Sections 5 and 13.

(2) The method of analysis to be followed in determining the specifications and grades to which molasses shall conform may be prescribed by the Controller. The cost of such analysis shall be paid by the distillery and/or the sugar factory as decided by the Controller.

(3) If in the opinion of the Controller, the molasses despatched to a distillery is not of the grade as specified under rule 7 (1) the same may be returned to the sugar factory concerned and the freight and other incidental charges fixed by the Controller may be recovered from the sugar factory.

8. (1) No distillery shall refuse molasses supplied by the sugar factory under the orders of Controller, without the prior approval of the Controller.

Refusal to receive supply of molasses. Sections 5 and 13.

(2) In case of the unauthorised refusal by the distillery the cost of molasses, freight and other incidental charges or part thereof as fixed by the Controller may be recovered from the distillery and paid to the sugar factory concerned.

9. Every sugar factory shall store molasses in steel tanks or pacca covered tanks or other receptacles and take all reasonable precautions to ensure that the quality of molasses does not deteriorate on account of the intake of water or other impurities through any preventable causes or the

Storage of molasses. Sections 5 and 13.

quantity of molasses does not decrease by leakage and shall observe all instructions issued by the Controller from time to time in this behalf.

Entry into premises for inspection of record and taking samples. Section 13.

10. The occupier and the manager of the sugar factory shall afford all reasonable facilities in the matter of inspection of premises, stocks, registers and accounts maintained by him and in the matter of taking samples by any officer of the Himachal Pradesh Excise and Taxation Department not below the rank of an Excise Inspector.

Purity of molasses. Section 13.

11. The occupier of the sugar factory, his manager or agent shall not adulterate or allow to be adulterated the molasses stocked by him.

Analysis of molasses. Section 13.

12. The contents of any tank or receptacle used as storage of molasses at a sugar factory or distillery, if on examination by the Excise Inspector or Distillery Inspector are found unfit for use, shall be disposed of as waste in such manner as may be ordered by the Controller. In the event of a disagreement with the views of the Excise Inspector or Distillery Inspector, a sample of the contents under dispute shall be forwarded to the Chemical Examiner to Government, for opinion and the sugar factory or the distillery, as the case may be, shall bear the cost of analysis. Each sample shall be taken in the presence of the owner or the representative of the sugar factory or the distillery. The sample shall be taken in triplicate and shall be immediately sealed in the presence of the officer taking the sample and the representative. The contents thereof shall be described in a memorandum prepared in this behalf by the Excise Inspector or Distillery Inspector. One sample shall then be made over to the agent or representative of the sugar factory or the distillery, as the case may be, the second shall be sent for analysis to the Chemical Examiner to Government and the third retained by the officer concerned pending disposal. The report of the Chemical Examiner shall be final.

Disposal of forfeited molasses. Sections 6 and 13.

13. The molasses forfeited to Government shall be disposed of in the manner ordered by the Controller in each case.

Maintenance of accounts and submission of returns. Sections 3 and 13.

14. (1) The owner, occupier or manager of a sugar factory shall maintain correct account of the production and sale of molasses in Form M.C. 5 and furnish weekly return in Form M.C. 6 to the Controller.

(2) Every distillery shall furnish to the Controller a weekly return in Form M.C. 7, showing the receipt and consumption of molasses.

By order,
P. K. MATTOO,
Secretary.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 4th February, 1974

No. LLR-D(6) 1/74.—The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1974 (Ordinance No. 1 of 1974) promulgated by the

Governor, Himachal Pradesh, under clause (1) of Article 213 of the Constitution of India on the 29th January, 1974, is hereby published in the Rajpatra, Himachal Pradesh, for the information of general public.

JOSEPH DINA NATH,
Deputy Secretary.

Ordinance No. 1 of 1974.

**THE HIMACHAL PRADESH PANCHAYATI RAJ (AMENDMENT)
ORDINANCE, 1974**

Promulgated by the Governor of Himachal Pradesh in the Twenty-fifth Year of the Republic of India.

An Ordinance to further amend the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970).

Whereas, the Legislative Assembly of Himachal Pradesh is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1974.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. (1) The existing provisos of sub-section (1) of section 9 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970) (hereinafter called the principal Act), shall be renumbered as No. (2) and (3) and proviso No. (1) shall be added as under:—

Amend-
ment of
section 9.

“Provided that if one or more members cannot be so elected, even after all necessary steps in the prescribed manner have been taken in that direction, the Government may appoint the necessary number of duly qualified persons, as members of the Executive Committee and the members so appointed shall hold office for a term co-terminus with the term of the elected members.”

(2) The word “further” shall be added in between the words “provided” and “that” in the proviso to be numbered as proviso number (2) of sub-section (1) of section 9 of the principal Act.

3. The existing section 12 of the principal Act shall be substituted by the following section:—

Amend-
ment of
section 12.

“12. Notwithstanding anything contained hereinbefore, if after the Executive Committee is once established under section 9 of

the said Act, any vacancy in that Committee occurs in the manner laid down in the foregoing section, the remaining members shall continue to function as Gram Panchayat till such vacancies are filled”.

SIMLA,
The 29th January, 1974.

S. CHAKRAVARTI,
Governor.

T. R. HANDA,
Secretary (Law).